



Development Services Department

January 3, 2011

Bonita Professional Plaza, LLC
Attn: Courtney Wills
5160 Carroll Canyon Rd, Suite 200
San Diego, CA 92121

Subject: PCC-10-060, University of Phoenix, 180 Otay Lakes Road,
APN 593-090-24-00

Dear Ms Wills:

On January 3, 2011, the Zoning Administrator considered and approved the above referenced application. Attached please find the Notice of Decision documenting the Zoning Administrator's action and listing the conditions of approval. Please note Condition I.1 that requires you to sign and return one copy of the notice to acknowledge your acceptance of the conditions of approval.

You have the right to appeal any conditions of approval to the City Council. This office must receive a completed appeal form, along with a deposit amount of \$7,004.00 within 10 days of the date of this letter. Forms are available from the Development Services Department. In the absence of said appeal, the decision of the Zoning Administrator's is final.

If you have any questions or concerns about this matter, please call me at (619) 409-5883.

Sincerely,

Caroline Young
Planning Division
Assistant Planner

Attachment: Notice of Decision

cc: Zoning Administrator



ZONING ADMINISTRATOR NOTICE OF DECISION

Date: January 3, 2011
Applicant: Bonita Professional Plaza, LLC (University of Phoenix)
Case No.: PCC-10-060
Address: 180 Otay Lakes Rd
Project Planner: Caroline Young

Notice is hereby given that on January 3, 2011, the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-10-060, filed by Bonita Professional Plaza, LLC ("Applicant"). The Applicant requests a CUP to allow the University of Phoenix to occupy five (5) suites within an existing building. The Project is located at 180 Otay Lakes Rd ("Project Site") and is owned by Bonita Professional Plaza, LLC ("Property Owner"). The Project Site is zoned Commercial Office (COP) with a General Plan designation of Commercial Office (CO). The Project is more specifically described as follows:

The Project includes the University of Phoenix to occupy five (5) suites within an existing building. The adult school will consist of ten (10) classrooms for evening and weekend classes for approximately 200 students. During the day approximately forty-four (44) staff members will be present on the site. Evening classes will be held from 5:30 p.m. to 10:30 p.m. and weekend classes will be held on Saturday and Sunday from 8:00 a.m. to 10:00 p.m. In addition to the classroom buildings, the school will also provide a student resource center and a faculty lounge.

The Environmental Review Coordinator has reviewed the proposed project for compliance with the California Environmental Quality Act and has determined that the proposed project qualifies for a categorical exemption pursuant to Section 15301 of the State CEQA Guidelines. Thus no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030.A of the Chula Vista Municipal Code, has conditionally approved said request based upon the following findings of facts as required by CVMC Section 19.14.080:

That the proposed use at this location is necessary or desirable and will contribute to the general well being of the neighborhood or the community.

The proposed use will not adversely affect the general well being of the neighborhood or the community. The proposed use will allow the school to offer an educational alternative and service to the community for adults. Therefore, the proposed use would contribute to the well being of the neighborhood.

That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

The use will be subject to meeting all health, safety and general welfare standards and regulations set forth by the City of Chula Vista. The proposed use consists of a tenant improvement in a previously approved building that has already been evaluated for noise, traffic, etc., for the future tenants. Per the traffic study submitted on November 18, 2010, the project will not significantly degrade the current operations at the existing site driveways and the Otay Lakes Road/Bontia Road intersection. The school will hold classes in the evenings and weekends. The conditions of approval limit the hours of operation and number of students in order to prevent impacts on the surrounding businesses.

That the proposed use will comply with the regulations and conditions specified in the code for such use.

The subject property meets all regulations of the Commercial Office (COP) Zone, with a General Plan designation of Commercial Office (CO). The conditional approval of PCC-10-060 requires continued compliance with all conditions, codes and regulations, as applicable.

That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.

This Conditional Use Permit is an interim use that is generally in compliance with the General Plan, Zoning Ordinance, and land use designations listed therein. It will not alter the land use patterns of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-10-060, as described above subject to the following conditions of approval:

I. Prior to the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirement:

1. The Applicant/Representative and Property Owner shall execute this document by making a true copy and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the

Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

Signature of Property Owner

Date

Signature of Authorized Representative

Date

2. Submit an application for a sign permit for any proposed signs located on the site. All proposed signs shall be consistent with the Commercial Office Sign Regulations.

Environmental Services Division:

3. A solid roof structure shall be constructed over the existing trash enclosures to comply with current City standards for trash enclosures. A Building Permit shall be submitted to the Building Division for review and approval. The roof shall be constructed prior to the occupancy of the school.
4. The Applicant shall develop and submit a "Recycling and Solid Waste Management Plan" to the Conservation Coordinator for review and approval as a part of the permit process. The plan shall demonstrate those steps the applicant will take to comply with Municipal Code, including but not limited to Section 8 24, 8.25, and 19 58.340 and meet the State mandate to reduce or divert at least 50% of the waste generated by all residential, commercial and industrial developments. The applicant shall contract with the City's franchise hauler throughout the construction and occupancy phase of the project.
5. The Applicant shall submit the required performance deposit fee prior to the approval of the building permit, if construction were to occur on the site.

Fire Department Conditions:

6. The building shall be provided with two Knox appliances.
 - Provide a Knox Vault at the main entrance to the building
 - Provide a Knox Box at the Fire Control Room


7. The building shall be addressed in accordance with the following criteria:
 - 0 – 50ft from the building to the face of the curb = 6-inches in height with a 1-inch stroke
 - 51 – 150ft from the building to the face of the curb = 10-inches in height with a 1 ½ -inch stroke
 - 151ft from the building to the face of the curb = 16-inches in height with a 2-inch stroke
8. The Applicant shall submit a deferred submittal to the Fire Department for approval prior to any modifications, if applicable, to the sprinkler system or fire alarm system.
9. The Applicant shall post the occupant load in each area prior to occupancy of the building.
10. The Applicant shall provide one (1) serviced fire extinguisher. The minimum size of the fire extinguisher shall be 2:A-10:B:C. The maximum travel distance to a fire extinguisher is 75 ft.
11. The Applicant shall provide information on all doors on the building permit to determine if the correct exiting hardware, panic hardware and fire exit hardware are being provided.
12. The Applicant shall provide an egress plan, showing exits, travel distance to exits, separation of exits and all portions of the means of egress including exit access, exit and exit discharge. This would include travel distance in any common corridors and/or exit courts (service courts).
13. The Applicant shall provide evidence of an emergency means of egress illumination in accordance with California Fire Code Chapter 10, Section 1006 on the building permit. Provide a photometric drawing indicating emergency means of egress illumination levels in accordance with the CFC requirements of Section 1006.

II. The following on-going conditions shall apply to the subject property as long as it relies upon this approval.

1. The site shall be developed and maintained in accordance with the PCC-10-060 approved plans, date stamped on September 27, 2010, which include site plan and floor plan on file in the Planning Division, the conditions contained herein, and Title 19.
2. The hours of operation for the University of Phoenix shall be Monday through Friday from 8:00 a.m. to 10:30 p.m., with individual classes starting from 5:30 p.m. through 10:30 p.m. Monday through Friday. Classes will also be held on Saturday and Sunday from 8:00 a.m. to 10:00 p.m.
3. The schools capacity shall not exceed 200 students on site at any one time.

4. No outside activities shall take place on the property unless a special events permit is approved by the Planning Division.
5. Approval of this request shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this conditional use permit.
6. The Applicant shall execute this Conditional Use Permit as the authorized use only. Any new use or modification/expansion of uses shall be subject to the review and approval of the Zoning Administrator.
7. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated below. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
8. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.
9. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.
10. This permit shall expire five (5) years after the date of its approval by the Zoning Administrator. After the first five (5) years, the applicant may request an extension from the Zoning Administrator. The Zoning Administrator shall review this conditional use permit for compliance with the conditions of approval, and shall determine, in consultation with the applicant, whether the project shall be modified from its original approval.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 3rd day of January 2011.

A handwritten signature in cursive script, appearing to read "Mary Ladana", written over a horizontal line.

Mary Ladana
Zoning Administrator